

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

AMANDA MASTEL,

Plaintiff,

v.

KILOLO KIJAKAZI, Acting
Commissioner of Social Security,

Defendant.

8:23CV271**ORDER**

Plaintiff Amanda Mastel (“Mastel”) brought this action (Filing No. 1) against the Acting Commissioner of Social Security Kilolo Kijakazi (“Commissioner”) seeking a reversal of the Commissioner’s denial of her request for disability benefits. Now before the Court is the Commissioner’s Unopposed Motion to Reverse and Remand Pursuant to Sentence Four of 42 U.S.C. § 405(g) (Filing No. 12). The Commissioner’s motion asks the Court to enter judgment (1) reversing the Commissioner’s final decision in Mastel’s administrative case and (2) remand the matter to “offer the Plaintiff the opportunity for a new hearing, take further action to complete the administrative record, and issue a new decision.” *See* 42 U.S.C. § 405(g) (“The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.”); *Melkonyan v. Sullivan*, 501 U.S. 89, 97-102 (1991) (describing the district courts’ varying authority under sentence four and sentence six of § 405(g) to remand a social-security action).

The Commissioner’s motion requests the same relief sought by Mastel’s Complaint, which asks this Court to reverse the Commissioner’s decision and “remand this matter for further proceedings.” Because both parties believe the administrative record must be further developed to support an accurate determination, the Court finds

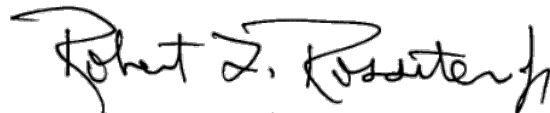
reversal and remand pursuant to its authority under sentence four of 42 U.S.C. § 405(g) proper. *See Sullivan v. Finkelstein*, 496 U.S. 617, 625-26 (1990) (describing that a remand under sentence six is appropriate where “the district court learns of [new] evidence” whereas a sentence four remand can be ordered for other reasons, including to expand on an insufficient administrative record); *Buckner v. Apfel*, 213 F.3d 1006, 1010 (8th Cir. 2000) (“A sentence four remand is therefore proper whenever the district court makes a substantive ruling regarding the correctness of a decision of the Commissioner”). Accordingly,

IT IS ORDERED:

1. Defendant Kilolo Kijakazi’s Unopposed Motion to Reverse and Remand pursuant to Sentence Four of 42 U.S.C. § 405(g) (Filing No. 12) is granted.
2. The Commissioner’s final decision is reversed, and this case is remanded for further administrative proceedings.
3. Plaintiff Amanda Mastel’s pending Motion for an Order Reversing the Commissioner’s Decision (Filing. No. 10) is denied.
4. A separate judgment will issue.

Dated this 20th day of October 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.
Chief United States District Judge